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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,745	08/25/2003	Ming-Fang Tsai		3735

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EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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03/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,745

Applicant(s)

TSAI, MING-FANG

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Non-Final Office action is in response to the filing of this application on August 23, 2003, in which claims 1- 10 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8, and 10 are rejected under 35 U.S.C. 103(b) as being unpatentable over Huang et al (U.S Patent No. 5,953,707).

Regarding claims 8, Huang et al discloses calculating daily sales performances in accordance with sales records, and storing the sales performances in daily performance records (col. 18, lines 7-27); calculating monthly and yearly sales performances in accordance with data stored in the daily performance records, and storing the sales performances in statistical performance records (col. 18, lines 7-27; and col. 53, lines 50-58) ; querying the statistical performance records in accordance with an instruction input by a user col. 224, lines 18-28), and analyzing sales performances in accordance with data stored in the daily performance records, the statistical performance records, and the planning performance records (col. 6, lines 9-23, and lines 47-53; and col. 38, lines 34-55).

Regarding claim 10, Huang et al discloses calculating daily sales performances in accordance with sales records (col. ,8, lines 7-27), and storing the sales performances in daily

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performance records, calculating monthly and yearly sales performances in accordance with data stored in the daily performance records , and storing the sales performances in statistical performance records (col. 18, lines 7-27; and col. 53, lines 50-58); querying the statistical performance records in accordance with an instruction input by a user col. 224, lines 18-28); and analyzing sales performances in accordance with data stored in at least one of the daily performance records and the statistical performance records col. 6, lines 9-23, and lines 47-53; and col. 38, lines 34-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (U.S Patent No. 5,953,707).

Regarding claim 1, Huang et al discloses calculating daily, monthly, and yearly sales performances in accordance with sales records (col. 18, lines 7-27); the performance analyzing module is used to analyze sales performances in accordance with daily performance records, statistical performance records and planning performance records (col. 53, lines 50-58); the performance querying module is used to query data on sales performances stored in the daily performance records (col. 224, lines 18-28), the statistical performance records and the planning performance records (col. 25, lines 44-65); and the document updating module is used to update

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data stored in the daily performance records and the statistical performance records (col. 6, lines 9-23, and lines 47-53). Huang et al discloses all of the limitations above to include a plurality of modules (col. 38, lines 34-55). However Huang et al does not explicitly disclose a performance calculating module, a performance analyzing module, a performance querying module and a document updating module (See Figure 28 of Huang et al). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Huang et al to include these types of modules with the motivation to allow the creation of an integrated production, sales and inventory (PSI) plan and provide a projection concerning what is feasible in the production, sales and inventory plan.

Regarding claim 2, Huang et al further discloses an application server (col. 5, lines 9-22).

Regarding claim 3, Huang et al further discloses a database (col. 4, lines 64-67), but Huang et al fails to explicitly disclose the feature of “a database connecting module which connects the performance calculating module, the performance analyzing module, the performance querying module and the document updating module with the daily performance records, the statistical performance records and the planning performance records for data interchange there between”. However, it would have been obvious to a person of ordinary skill in the art to include this feature into the disclosures of Huang et al in order to provide easy access to the data.

Regarding claim 4, Huang et al further discloses wherein the daily performance records, the statistical performance records and the planning performance records are comprised in a database server (col. 4, lines 64-67).

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Regarding claim 5, Huang et al further discloses wherein the database server comprises a database management module for managing data stored in the database server (col. 4, lines 64-67).

Regarding claim 6, Huang et al further discloses wherein the performance analyzing module can assist in obtaining implementation statuses of planned sales performances relating to customers, products, sales departments, sales representatives and channels of distribution (col. 93, lines 12-17).

Regarding claim 7, Huang et al further discloses wherein the data on sales performances queried by the performance querying module comprises data on customers, channels of distribution, sales representatives, sales departments, and products (col. 93, lines 12-17).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (U.S. Patent No. 5,953,707) in view of Heinz-Dieter Haustein (Upgrading Through Innovation: An Economic Challenge (Innovativeness and Kilo-Prices)).

Regarding claim 9, Huang et al fails to disclose subtracting a value of a sales record from a total value of products of the daily performance record if the sales record is a sales return record, and adding a value of a sales record to the total value of products of the daily performance record if the sales record is a record on reselling of sales returns. Heinz-Dieter Haustein in the same field of endeavor, discloses the concept of subtracting a value from a product and adding value to the product based on profit/return on the product. Note pages 3 and 4 of Heinz-Dieter Haustein. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the disclosures of Huang et al to include the teachings of Heinz-Dieter Haustein in order to estimate the innovative sales performance of a company.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Hotz (U.S. Patent No. 6,839,681) discloses a method for evaluating and measuring the performance of sales events to a particular user in order to provide value added relevance to marketing information.

b. Melchione et al (U.S. Patent No.), discloses a sales and marketing support system.

c. Lajouanie (U.S. 2002/0178035), discloses a performance management system.

d. Donald "Sales Analysis from the Management Standpoint", discloses

e. Stanley et al (Strategy Type and Performance: The Influence of Sales Force Management), discloses a method for creating customer value.

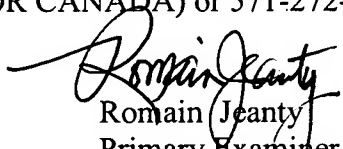
f. Wade (Sale performance measurement in banks branches), discloses a method doe analyzing sales in a banks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Romain Jeanty
Primary Examiner
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3/8/2008